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 13 APPLE INC.

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 OAKLAND DIVISION

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

20 AMAZON.COM, INC., a Delaware  
 21 corporation, and AMAZON DIGITAL  
 22 SERVICES, INC., a Delaware corporation,

23 Defendants.

Case No. CV 11-01327 PJH

**PLAINTIFF APPLE INC.'S MOTION TO  
 SHORTEN TIME TO HEAR MOTION  
 FOR PRELIMINARY INJUNCTION**

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1 Pursuant to Civil Local Rules 6-1, 6-3, and 7-1, Plaintiff Apple Inc. (“Apple”) requests  
2 that the Court set a hearing prior to June 22, 2011 on Apple’s Motion for Preliminary Injunction  
3 (the “P.I. Motion”). Apple filed the P.I. Motion earlier today. Apple understands that the first  
4 available civil law and motion hearing date is June 22. However, Apple is suffering significant  
5 irreparable harm from Amazon’s ongoing, unauthorized use of Apple’s APP STORE trademark  
6 and requests an earlier hearing.

7 As set forth in the P.I. Motion, Apple invested three years of effort and hundreds of  
8 millions of dollars to establish a public association between Apple and its APP STORE mobile  
9 software download service. Very recently, Amazon launched a competing service using the mark  
10 APPSTORE. Amazon’s unlawful appropriation of Apple’s trademark infringes and dilutes  
11 Apple’s mark, and the P.I. Motion seeks an order preliminarily enjoining Amazon’s use.

12 Absent an injunction, Amazon’s use threatens to confuse consumers by, for example,  
13 causing them to conclude falsely that Amazon’s service is associated with Apple. This is  
14 particularly likely because Amazon is widely known as a reseller of other companies’ products.  
15 Moreover, Apple is suffering ongoing irreparable harm through Amazon’s dilution of the APP  
16 STORE mark, both by blurring—lessening the public association between the APP STORE mark  
17 and Apple’s service—and tarnishment—Amazon offers software that increases security risks to  
18 customers and thereby harms the reputation of Apple’s APP STORE mark and service. All of  
19 this harm is irreparable.

20 Amazon has stated that it will oppose any injunctive relief. Apple asked that Amazon join  
21 in this request to hear the P.I. Motion before June 22, but Amazon had not responded by the time  
22 Apple filed this request. There have been no prior modifications to any hearing schedule,  
23 although the parties stipulated that the time for Amazon to answer or otherwise respond to the  
24 complaint be extended fourteen days, up to and including April 25, 2011. No other time  
25 modifications have been sought in the case, and the granting of this motion will have no effect on  
26 the scheduling of the case beyond the timing of the preliminary injunction briefing and hearing.

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For the foregoing reasons, Apple requests that the Court set a hearing date for the P.I. Motion prior to June 22, 2011.

Dated: April 13, 2011

O'MELVENY & MYERS LLP

By /s/ David R. Eberhart  
David R. Eberhart  
Attorneys for Plaintiff APPLE INC.